

Congress of the United States

Washington, DC 20515

October 17, 2000

Secretary of Defense William Cohen
U.S. Department of Defense
Room 3E966, The Pentagon
Washington, D.C. 20301

Dear Secretary Cohen:

We are writing to ask that you reconsider the Department of Defense (DOD) opposition to H.R. 5174, a bill to clarify DOD's authority to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State and local elections. As you are aware, the House adopted H.R. 5174 by an overwhelmingly bipartisan 297 to 114 vote.

The attached letter from the DOD General Counsel, expressing the Department's opposition to H.R. 5174, came to us less than one hour before consideration of the bill on the floor of the House, despite correspondence to DOD on September 8th and September 18th providing copies of the bill and indicating our intent to bring this legislation to the floor. Since we had no opportunity before the floor consideration to address the concerns and issues raised by it, we wish you would consider the following in your review.

We believe that the ability of citizens to vote in elections is a fundamental tenet of democracy and that the act of voting is, at its heart, a non-partisan activity. Thus H.R. 5174 seeks to facilitate the participation in the electoral process of those who serve our country in uniform, consistent with the historical concerns about ballot secrecy and freedom from intimidation. Moreover, H.R. 5174 seeks to facilitate voting in places where suitable alternative non-DOD facilities do not exist – a likely occurrence given that, in some cases, DOD has assigned people to isolated and difficult posts for the purpose of defending the nation.

We note that the General Counsel cites a Civil War era law, 18 U.S.C. § 592, as the basis for DOD's decision to suddenly end the current practice of locating voting sites on DOD property. We would like to point out that the cited provision also states: "This section shall not prevent any office or member of the armed forces of the United States from exercising the right of suffrage in any election district. . . ." We think that without the clarifying, discretionary authority of H.R. 5174, DOD will find itself, in some circumstances, hindering or denying "the right of suffrage" in some election districts.

Furthermore, we conclude that while the provision cited by the General Counsel was intended to prevent intimidation of voters at polls by the military, it does not prohibit

merely the location of a voting site on DOD property. In our view, H.R. 5174 recognizes that when election officials voluntarily locate sites on DOD property, and voters voluntarily choose to vote there, there is no coercion or intimidation. In fact, by enabling DOD to offer voters an easy way to cast their ballots in the privacy of a voting booth at a facility of their choosing, H.R. 5174 enhances both ballot secrecy and freedom from intimidation.

Allowing and even encouraging people to exercise their right to vote does not involve the military in "partisan politics" as the General Counsel alleges. In fact, we are surprised that any DOD counsel would make such an argument in view of DOD's active and well-regarded voter assistance program. Helping military personnel and families, whether stationed overseas or in the U.S., to vote certainly does not involve the military in politics.

Finally, H.R. 5174 provides ample discretion to the Department in choosing to allow these election operations when they are compatible with the facilities' mission. The practice of some base commanders who have made facilities available for service men and women, their families, and support staff is commendable especially in isolated areas. It shows that the idea already works. If, however, for national security reasons, DOD must remove an election site from DOD property, H.R. 5174 gives the Department that authority.

We would like to stress that citizens serving our country in the armed services and their families deserve to vote just like anyone else. We think that H.R. 5174 facilitates that democratic tenet, and we urge you to reconsider the Department's position on H.R. 5174.



Bob Stump, Chairman
Veterans' Affairs Committee



Bill Thomas, Chairman
House Admin. Committee



Floyd Spence, Chairman
Armed Services Committee